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20 Attorneys for Defendants, CITY OF SAN JOSE and
21 OFFICER CONSTANTIN

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24 UNITED STATES DISTRICT COURT
25 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

26 MORRIS EMANUEL,

27 Case Number: C08-05321 RMW

28 Plaintiff,

STIPULATION AND []
ORDER VACATING TRIAL DATE

v.

CITY OF SAN JOSE, et al.,

Defendants.

29
30 The undersigned, counsel for Plaintiff and Defendants herein, hereby stipulate that
31 the trial date in this matter, June 28, 2010, be vacated and that a new trial date be set
32 either in late July, 2010.
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As good cause for this request, counsel for Defendants represents that he had inadvertently agreed to a trial date of June 28, 2010 despite having made vacation plans involving multiple family members during the time of the scheduled trial. Counsel have met and conferred and have agreed to request that the Court vacate the June 28, 2010 trial date and that a new trial date be set in late July, 2010.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: June 15, 2009

By: _____ /S/
ADANTE D. POINTER
Attorney at Law

Attorney for Plaintiff, MORRIS EMANUEL

Dated: June 15, 2009

RICHARD DOYLE, City Attorney

By: _____ /S/
MICHAEL J. DODSON
Sr. Deputy City Attorney

Attorney for Defendants, CITY OF SAN
JOSE AND OFFICER CONSTANTIN

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ORDER

Pursuant to the Stipulation of the parties, and good cause appearing, the June 28, 2010 trial date of this action is hereby vacated. The Court sets a new jury trial date for July 26, 2010; a new Pretrial Conference for July 15, 2010; and orders the Joint Pretrial Conference Statements be due no later than July 9, 2010. All other dates set by the Court in the Civil Minute Order filed on April 17, 2009 shall remain.

Dated: 6/23/09

Ronald M. Whyte
HONORABLE RONALD M. WHYTE
United States District Court Judge